



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,357	06/05/2001	Francis Pinault	Q64734	5168

23373 7590 05/19/2005

SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

EXAMINER
----------

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
----------	--------------

2134

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/873,357

Applicant(s)

PINAULT ET AL.

Examiner

Peter Poltorak

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendment, and remarks therein, received on 2/17/2005 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claim 1 and cancels dependent claim 3.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Response to Amendment***

4. Applicant's arguments have been carefully considered.
5. Drawings, Oath/Declaration, Specification and 35 USC § 112 rejections (objections) of the previous Office Action are withdrawn.
6. Applicant argues rejection of dependent claim 3 stating that McClain teaches caching of URL content and does not explicitly teach caching of the multimedia data stream.
7. The examiner finds the argument not persuasive. Catching of data whether it is URL content, multimedia or some other data is well known in the art for at least the benefit of obtaining already received data (by e.g. proxy) instead of having to get the data at a lower speed (e.g. across the Internet). McClain has merely been used as an analogous art to underline that caching of data is well known and implemented in the art.
8. Claims 1-10 have been examined.

Art Unit: 2134

9. The effective filing date for the subject matter defined in the pending claims in this application is 06/08/2000.

10. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

11. In claims 4 and 5 "multimedia data stream" (line 2) lack antecedent basis.

12. Claims 1-2, 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *McClain et al.* (U.S. Patent No. 6772214) as discussed in the previous Office Action.

13. As per claims 1-2 and 4-6 *Baker* teaches providing access control to users who access a computer network enabling exchange of information by means of terminals (Fig. 1 objects 107-109). Said terminals are connected to access said computer network via an access server (*proxy server*) which stores temporarily for downstream filtering the stream of data (there is no limitation on data received, thus the reading reads on multimedia data as well) from said computer network to a user terminal in response to an access request formulated from said terminal. Said downstream filtering is applied by an arrangement for authorizing or blocking transmission of said data stream to said terminal as a function of particular criteria applied to the received data stream at said private access node (col. 4 lines 1-9 and lines 29-43).

Art Unit: 2134

14. *Baker* does not teach retaining non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in the case of identical data in different data streams, without having to carry out a further analysis. *McClain et al.* teach retaining data so that it can be compared with data of a subsequent data stream (*col. 6 lines 22-45*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to retain non-transmitted data so that it can be compared with data of a subsequent data stream to accelerate decision-making in the case of identical data in different data streams as taught by *McClain et al.* (*McClain et al. col. 3 lines 19-24*). One of ordinary skill in the art would have been motivated to perform such a modification in order to increase efficiency and connection speed between terminals and computer network resources.

15. As per claim 9 *Baker* does not teach including an identifier search analysis applied to received data addressed to a user terminal to authorize transmission of said data to said terminal if one or more particular identifiers are found in the received data addressed to said terminal.

*McClain et al.* teach identifiers (*ratings, col. 7 lines 1-6 and 54-67*) used in received data transmission authorization (*col. 2 lines 55-60*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include an identifier search analysis applied to received data addressed to a user terminal to authorize transmission of said data to said terminal if one or more particular identifiers are found in the received data addressed to said terminal

Art Unit: 2134

as taught by *McClain et al.* (*McClain et al. col. 3 lines 19-24*). One of ordinary skill in the art would have been motivated to perform such a modification in order to increase analysis speed and in result increase the computer network connection performance.

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *McClain et al.* (U.S. Patent No. 6772214) and in further view of *Logan et al.* (U.S. Patent No. 5721827).

17. *Baker* in view of *McClain et al.* teach an access control method as discussed above. *Baker* in view of *McClain et al.* do not teach counting for control purposes, the number of time that data of a particular content is received, if said content is found in said temporarily stored data, after it has been received from said computer network in at least one data stream addressed to a particular terminal. *Logan et al.* implicitly teach counting for control purposes, the number of time that data of a particular content is received (*col. 19 line 65-col. 20 line 7*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to count the number of time that data of a particular content is received as taught by *Logan et al.*, if said content is found in said temporarily stored data, after it has been received from the computer network in at least one data stream addressed to a particular terminal. One of ordinary skill in the art would have been motivated to perform such a modification in order to determine the royalty amount payable to the content provider for the use of the particular content (*col. 20 lines 3-7*).

18. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *McClain et al.* (U.S. Patent No. 6772214) and *Logan et al.* (U.S. Patent No. 5721827) and in further view of in view of *Microsoft Press* (Computer Dictionary, 3rd edition, 1997, ISBN: 157231446X) as discussed in the previous Office Action.

19. *Baker* in view of *McClain et al.* and *Logan et al.* teach an access control method as discussed above.

20. *Baker* in view of *McClain et al.* and *Logan et al.* do not explicitly teach accessing a computer network via a service provider.

*Microsoft Press* teaches accessing a computer network via a service provider in that a service provider supplies Internet connectivity services to individuals, business and other organizations (service provider, pg. 431 and ISP, pg. 267).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a service provider to access the Internet as taught by *Microsoft Press*. The Internet provides access to thousands of networks and computers and one of ordinary skill in the art would have been motivated to perform such a modification in order to increase an information exchange base for terminal users.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Baker* (U.S. Patent No. 5961645) in view of *McClain et al.* (U.S. Patent No. 6772214) and in further view of in view of *Official Notice*.

22. *Baker* in view of *McClain et al.* teach the method as discussed above.

*Baker* in view of *McClain et al.* do not teach performing signature analysis for at least temporarily blocking transmission of the multimedia data stream received from the network to a use if the multimedia data stream incorporates a signature characteristic of restricted signaling rights.

Official Notice is taken that it is old and well-known practice to include a signature indicating the existence of restrictions on the use of the data that it accompanies (*e.g. applicant's specification, pg. 3 §3*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to perform signature analysis in order to identify any restriction on the use of the data that the signature accompanies. One of ordinary skill in the art would have been motivated to perform such a modification in order to take appropriate actions consistent with any discovered restrictions.

Performing signature analysis and at least temporarily blocking transmission of the multimedia data stream received from the network to a use if the multimedia data stream incorporates a signature characteristic of restricted signaling rights would be implicit.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2134


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

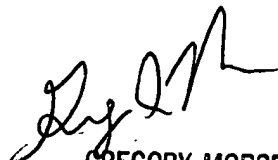
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2134

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
5/16/05

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100